

REMARKS

Pursuant to 37 C.F.R. §1.111, reconsideration of the instant application, as amended herewith, is respectfully requested. Entry of the amendment is requested.

Claims 1-3 are presently pending before the Office. No claims have been canceled. Applicant has amended the claims. No new matter has been added. Support for the amendments can be found throughout the specification as originally filed, and in particular at Page 11. Applicant is not intending in any manner to narrow the scope of the originally filed claims.

The Examiner's Action mailed April 7, 2005, has been carefully studied by Applicant and the undersigned counsel. The amendments appearing herein and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is believed to be in condition for allowance.

The examiner notes that the declaration submitted on May 14, 2004 is defective. In accordance with applicant's discussion with the examiner when she telephoned the undersigned to inquire if the application had been abandoned, the examiner was advised that the declaration was merely a duplicate but executed version of the same declaration filed with the original application. The executed declaration was in response to the missing parts requirements. The use of the term "supplemental" may have been misleading. Although the examiner indicated that she would waive the requirement to file another declaration, applicant notes that herein, all three claims are being amended. Therefore, another declaration is herein being submitted to accompany the amendment herein.

Relying on 35 U.S.C. §112, first paragraph, the Examiner has rejected the subject matter of claim 2. The Examiner alleges that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with the claims. On a similar note the Examiner has rejected claim 2 based on 35 U.S.C. §112, second paragraph. The rationale for both rejections was based on the transformation language not originally included in the claim. Applicant has amended the claim 2 herein to include language addressing the issue raised by the examiner. Withdrawal of both rejections is respectfully requested.

Relying on 35 U.S.C. §112, second paragraph, the examiner has rejected the subject matter of claims 1 and 3 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claim 1, the claim is amended as suggested by the examiner.

Regarding claim 3, applicant has amended the claim to clarify scope of the claim. "In the primary process" has been added to make it clear that the claim is defining the components actually used in the process, i.e., MgO and at least the compounds in claim 3 must be the alkaline earth compounds. In addition, the compounds enumerated in claim 3 are not examples, but the limitative listing.

It is respectfully submitted that claims 1-3, as amended, fully comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

CONCLUSION


Even though the initial claims in this important patent application were drawn to a new, useful and nonobvious invention, they have now been amended to increase their specificity of language. Applicant respectfully submits that claims 1-3 are patentable over the art of record.

A Notice of Allowance is earnestly solicited.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 943-9300 would be appreciated.

Very respectfully,

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